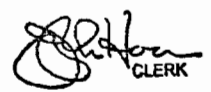


UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED
NOV 17 2010

CLERK

0-0

WILLARD HURLEY,

Plaintiff,

vs.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY and STATE
FARM FIRE AND CASUALTY
COMPANY,

Defendants.

CIV. 10-

4165
~~4166~~

NOTICE OF AND PETITION FOR
REMOVAL

0-0

TO THE ABOVE-ENTITLED COURT:

Defendants State Farm Mutual Automobile Insurance Company and State Farm Fire and Casualty Company hereby file this Notice of Removal of the above-described action to the United States District Court for the District of South Dakota, Southern Division, from the South Dakota Circuit Court, Second Judicial Circuit, Lincoln County, where the action is now pending, and states:

1. This action is an action for bad faith arising out of a claim for underinsured motorist benefits and the United States District Court for the District of South Dakota has jurisdiction by reason of the diversity of citizenship of the parties.

CIV. 10-
Notice of and Petition for Removal
Page 2

2. When the action was commenced on October 19, 2010, Defendant State Farm Mutual Automobile Insurance Company was, and now is a corporation organized, formed and incorporated in and under the laws of the State of Illinois, having its principal place of business in the State of Illinois.

3. When the action was commenced on October 19, 2010, Defendant State Farm Fire and Casualty Company was, and now is a corporation organized, formed and incorporated in and under the laws of the State of Illinois, having its principal place of business in the State of Illinois.

4. At all times, and on October 19, 2010, when the action was commenced in Lincoln County, Second Judicial Circuit, Plaintiff was, and now is a resident of South Dakota.

5. The Court has jurisdiction over this matter under 28 U.S.C. § 1332 because there is diversity of citizenship between Plaintiff and Defendants and the amount in controversy exceeds \$75,000.00.

6. The South Dakota Department of Revenue and Regulation purported to admit service on behalf of State Farm Mutual Automobile Insurance Company and State Farm Fire and Casualty Company on October 19, 2010.

7. Attached to and filed with this notice are copies of the Summons, the Complaint and Jury Trial Demand with the attached exhibits and Plaintiff's Interrogatories and Requests for Production of Documents to Defendant State Farm Fire

CIV. 10-
Notice of and Petition for Removal
Page 3

and Casualty Company (First Set), which are the only process, pleadings, or orders served upon Defendants or on file in this matter.

8. With respect to the amount in controversy, Plaintiff's Complaint seeks damages for attorneys' fees, emotional distress, punitive damages, pre-judgment and post-judgment interest and costs and disbursements. The amount Plaintiff seeks to recover from Defendants exceeds Seventy Five Thousand Dollars (\$75,000), exclusive of interest and costs.

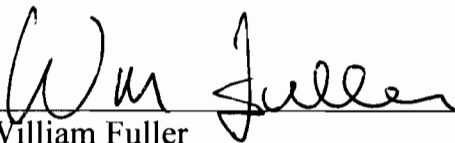
9. Defendants will give written notice of the filing of this notice as required by 28 U.S.C. § 1446(d).

10. A copy of this notice will be filed with the Lincoln County Clerk of the South Dakota Circuit Court, Second Judicial Circuit, as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendants request that this action proceed in this Court as an action properly removed to it.

Dated this 17th day of November, 2010.

FULLER & SABERS, LLP



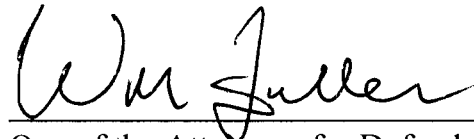
William Fuller
7521 S. Louise Avenue
Sioux Falls, SD 57108
Phone 605-333-0003
Fax 605-333-0007
Email bfuller@fullerandsabers.com
Attorneys for Defendants

CIV. 10-
Notice of and Petition for Removal
Page 4

Certificate of Service

I certify that on the 17th day of November, 2010, a true and correct copy of the foregoing Notice of and Petition for Removal was served by United States mail, postage prepaid, upon the following:

Mr. Scott A. Abdallah
Johnson, Heidepriem & Abdallah
P.O. Box 2348
Sioux Falls, SD 57101-2348
Attorneys for Plaintiff


One of the Attorneys for Defendants